WP(C) 6637/2002

BEFORE

HON'BLE MR JUSTICE HRISHIKESH ROY

Heard Mr. M Nath, learned counsel appearing for the petitioner. Also heard Mr. J Handique, learned Govt. Advocate representing the respondent Nos.1, 2 & 3.

These two writ petitions are filed by the same petitioner seeking different relief.

The Writ Petition (C) No.3939/02 has been filed as the petitioner who was working as an LDA cum Typist in the office of Conservator of Forest, Hills, Assam, Haflong because she was denied her salary since September 2001, after she was appointed to the said post by the appointment order dated 17.12.1999.

The second writ petition being number Writ Petition (C) No.6637/02 was filed on the apprehension that the petitioner's services may be terminated. For the sake of convenience and consented to by the learned counsels for the parties, these two cases are being considered and disposed of together by this common order.

Vide interim order passed on 8.10.2002 in Writ Petition (C) No.6637/02 this Court protected the petitioner from termination of her service.

Mr. M Nath, learned counsel appearing for the petitioner submits that the approval to appointment of the petitioner to the post of LDA was granted by the Principal Secretary of the North Cachar Hills Autonomous Council by the order dated 9.12.1999 and only in pursuant to the said approval of the Autonomous Council, by the appointment order dated 17.12.1999 (Annexure 2), issued by the Conservator of Forest, Hills, Assam, Haflong the petitioner was appointed to the post of LDA cum Typist. It is submitted by the learned counsel for the petitioner that only because the election to the Autonomous Council held on 4.9.2001 and a new political party coming to power, attempt was made to terminate the services of the appointees who were given appointment during the tenure of the previous Executive Council headed by a rival political party and it is only on this account, several appointees including the petitioner had to approach this Court seeking protection from termination.

Mr. Nath, learned counsel appearing for the petitioner has also referred to the additional affidavit filed on behalf of the petitioner on 8.8.2008 in W P (C) No.6637/02 to contend that direction for release of salaries of the petitioner have already been issued by the Assam Government as seen from the communication dated 18.10.2004 issued by the Conservator of Forest, Hills, Assam, Haflong and accordingly there has been no difficulty for the petitioner to receive her salary. However, the learned counsel submits that the petitioner had not been given the yearly increments.

The learned counsel has also referred to the aforesaid letter dated 18.10.2004 (Annexure - A) to the additional affidavit, wherein the decision of the State Level Empowered Committee (SLEC) is conveyed for approving payment of salaries to Grade III and Grade IV appointees under the Department of Environment and Forest. The learned has also referred to the process initiated by the Government for the regularization of the services of the appointees, as communicated on 14.12.2007 by the Conservator of Forest, Hills, Assam, Haflong to the Principal Secretary, N. C. Hills Autonomous Council (Annexure C). In the said communication the name of the petitioner appears at serial No.1 and the learned counsel for the petitioner submits that the process for regularization of services are currently on and it is expected that appropriate orders for regularization of services would be passed by the respondent authorities and the petitioner would thereafter be entitlement for annual increments.

Having regard to the above contentions, I am of the view that present writ petition can be ordered to be closed as it is expected that within reasonable time, services of the petitioner would be regularized in view of the communication dated 18.10.2004 and 14.12.2007, referred to hereinabove and her other grievance of non receiving the yearly increments would also be redressed.

Ordered accordingly.

The petitioner is given the opportunity to approach this Court again if she is aggrieved by consequent action of the respondent authorities.